

MAY 4, 2016

RULES COMMITTEE PRINT 114-52
TEXT OF H.R. 5046, COMPREHENSIVE OPIOID
ABUSE REDUCTION ACT OF 2016

**[Showing the text of the bill as ordered reported by the
Committee on the Judiciary.]**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Comprehensive Opioid
3 Abuse Reduction Act of 2016”.

4 **SEC. 2. COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.**

5 (a) IN GENERAL.—Title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
7 et seq.) is amended by adding at the end the following:

8 **“PART LL—COMPREHENSIVE OPIOID ABUSE**
9 **GRANT PROGRAM**

10 **“SEC. 3021. DESCRIPTION.**

11 “(a) GRANTS AUTHORIZED.—From amounts made
12 available to carry out this part, the Attorney General may
13 make grants to States, units of local government, and In-
14 dian tribes, for use by the State, unit of local government,
15 or Indian tribe to provide services primarily relating to
16 opioid abuse, including for any one or more of the fol-
17 lowing:

1 “(1) Developing, implementing, or expanding a
2 treatment alternative to incarceration program,
3 which may include—

4 “(A) pre-booking or post-booking compo-
5 nents, which may include the activities de-
6 scribed in part HH of this title;

7 “(B) training for criminal justice agency
8 personnel on substance use disorders and co-oc-
9 curring mental illness and substance use dis-
10 orders;

11 “(C) a mental health court, including the
12 activities described in part V of this title;

13 “(D) a drug court, including the activities
14 described in part EE of this title; and

15 “(E) a veterans treatment court program,
16 including the activities described in subsection
17 (i) of section 2991 of this title.

18 “(2) In the case of a State, facilitating or en-
19 hancing planning and collaboration between State
20 criminal justice agencies and State substance abuse
21 systems in order to more efficiently and effectively
22 carry out programs described in paragraph (1) that
23 address problems related to opioid abuse.

24 “(3) Providing training and resources for first
25 responders on carrying and administering an opioid

1 overdose reversal drug or device approved by the
2 Food and Drug Administration, and purchasing
3 such a drug or device for first responders who have
4 received such training to carry and administer.

5 “(4) Investigative purposes to locate or inves-
6 tigate illicit activities related to the unlawful dis-
7 tribution of opioids.

8 “(5) Developing, implementing, or expanding a
9 medication-assisted treatment program used or oper-
10 ated by a criminal justice agency, which may include
11 training criminal justice agency personnel on medi-
12 cation-assisted treatment, and carrying out the ac-
13 tivities described in part S of this title.

14 “(6) In the case of a State, developing, imple-
15 menting, or expanding a prescription drug moni-
16 toring program to collect and analyze data related to
17 the prescribing of schedule II, III, and IV controlled
18 substances through a centralized database adminis-
19 tered by an authorized State agency, which includes
20 tracking the dispensation of such substances, and
21 providing for data sharing with other States.

22 “(7) Developing, implementing, or expanding a
23 program to prevent and address opioid abuse by ju-
24 veniles.

1 “(8) Developing, implementing, or expanding an
2 integrated and comprehensive opioid abuse response
3 program.

4 “(b) CONTRACTS AND SUBAWARDS.—A State, unit of
5 local government, or Indian tribe may, in using a grant
6 under this subpart for purposes authorized by subsection
7 (a), use all or a portion of that grant to contract with
8 or make one or more subawards to one or more—

9 “(1) local or regional organizations that are pri-
10 vate and nonprofit, including faith-based organiza-
11 tions;

12 “(2) units of local government; or

13 “(3) tribal organizations.

14 “(c) PROGRAM ASSESSMENT COMPONENT; WAIV-
15 ER.—

16 “(1) PROGRAM ASSESSMENT COMPONENT.—
17 Each program funded under this subpart shall con-
18 tain a program assessment component, developed
19 pursuant to guidelines established by the Attorney
20 General, in coordination with the National Institute
21 of Justice.

22 “(2) WAIVER.—The Attorney General may
23 waive the requirement of paragraph (1) with respect
24 to a program if, in the opinion of the Attorney Gen-

1 eral, the program is not of sufficient size to justify
2 a full program assessment.

3 “(d) ADMINISTRATIVE COSTS.—Not more than 10
4 percent of a grant made under this subpart may be used
5 for costs incurred to administer such grant.

6 “(e) PERIOD.—The period of a grant made under
7 this part may not be longer than 4 years, except that re-
8 newals and extensions beyond that period may be granted
9 at the discretion of the Attorney General.

10 **“SEC. 3022. APPLICATIONS.**

11 “To request a grant under this part, the chief execu-
12 tive officer of a State, unit of local government, or Indian
13 tribe shall submit an application to the Attorney General
14 at such time and in such form as the Attorney General
15 may require. Such application shall include the following:

16 “(1) A certification that Federal funds made
17 available under this subpart will not be used to sup-
18 plant State, local, or tribal funds, but will be used
19 to increase the amounts of such funds that would,
20 in the absence of Federal funds, be made available
21 for the activities described in section 3021(a).

22 “(2) An assurance that, for each fiscal year
23 covered by an application, the applicant shall main-
24 tain and report such data, records, and information

1 (programmatic and financial) as the Attorney Gen-
2 eral may reasonably require.

3 “(3) A certification, made in a form acceptable
4 to the Attorney General and executed by the chief
5 executive officer of the applicant (or by another offi-
6 cer of the applicant, if qualified under regulations
7 promulgated by the Attorney General), that—

8 “(A) the programs to be funded by the
9 grant meet all the requirements of this part;

10 “(B) all the information contained in the
11 application is correct;

12 “(C) there has been appropriate coordina-
13 tion with affected agencies; and

14 “(D) the applicant will comply with all
15 provisions of this part and all other applicable
16 Federal laws.

17 “(4) An assurance that the applicant will work
18 with the Drug Enforcement Administration to de-
19 velop an integrated and comprehensive strategy to
20 address opioid abuse.

21 **“SEC. 3023. REVIEW OF APPLICATIONS.**

22 “The Attorney General shall not finally disapprove
23 any application (or any amendment to that application)
24 submitted under this part without first affording the ap-

1 plicant reasonable notice of any deficiencies in the applica-
2 tion and opportunity for correction and reconsideration.

3 **“SEC. 3024. GEOGRAPHIC DIVERSITY.**

4 “The Attorney General shall ensure equitable geo-
5 graphic distribution of grants under this part and take
6 into consideration the needs of underserved populations,
7 including rural and tribal communities.

8 **“SEC. 3025. DEFINITIONS.**

9 “In this part:

10 “(1) The term ‘first responder’ includes a fire-
11 fighter, law enforcement officer, paramedic, emer-
12 gency medical technician, or other individual (includ-
13 ing an employee of a legally organized and recog-
14 nized volunteer organization, whether compensated
15 or not), who, in the course of professional duties, re-
16 sponds to fire, medical, hazardous material, or other
17 similar emergencies.

18 “(2) The term ‘medication-assisted treatment’
19 means the use of medications approved by the Food
20 and Drug Administration for the treatment of opioid
21 abuse.

22 “(3) The term ‘opioid’ means any drug, includ-
23 ing heroin, having an addiction-forming or addiction-
24 sustaining liability similar to morphine or being ca-

1 pable of conversion into a drug having such addic-
2 tion-forming or addiction-sustaining liability.

3 “(4) The term ‘schedule II, III, or IV controlled
4 substance’ means a controlled substance that is list-
5 ed on schedule II, schedule III, or schedule IV of
6 section 202(c) of the Controlled Substances Act (21
7 U.S.C. 812(c)).

8 “(5) The terms ‘drug’ and ‘device’ have the
9 meanings given those terms in section 201 of the
10 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
11 321).

12 “(6) The term ‘criminal justice agency’ means
13 a State, local, or tribal—

14 “(A) court;

15 “(B) prison;

16 “(C) jail;

17 “(D) law enforcement agency; or

18 “(E) other agency that performs the ad-
19 ministration of criminal justice, including pros-
20 ecution, pretrial services, and community super-
21 vision.

22 “(7) The term ‘tribal organization’ has the
23 meaning given that term in section 4 of the Indian
24 Self-Determination and Education Assistance Act
25 (25 U.S.C. 450b).”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting
4 after paragraph (26) the following:

5 “(27) There are authorized to be appropriated
6 to carry out part LL \$103,000,000 for each of fiscal
7 years 2017 through 2021.”.

8 **SEC. 3. AUDIT AND ACCOUNTABILITY OF GRANTEES.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “covered grant program” means a
11 grant program operated by the Department of Jus-
12 tice;

13 (2) the term “covered grantee” means a recipi-
14 ent of a grant from a covered grant program;

15 (3) the term “nonprofit”, when used with re-
16 spect to an organization, means an organization that
17 is described in section 501(c)(3) of the Internal Rev-
18 enue Code of 1986, and is exempt from taxation
19 under section 501(a) of such Code; and

20 (4) the term “unresolved audit finding” means
21 an audit report finding in a final audit report of the
22 Inspector General of the Department of Justice that
23 a covered grantee has used grant funds awarded to
24 that grantee under a covered grant program for an
25 unauthorized expenditure or otherwise unallowable

1 cost that is not closed or resolved during a 12-month
2 period prior to the date on which the final audit re-
3 port is issued.

4 (b) AUDIT REQUIREMENT.—Beginning in fiscal year
5 2016, and annually thereafter, the Inspector General of
6 the Department of Justice shall conduct audits of covered
7 grantees to prevent waste, fraud, and abuse of funds
8 awarded under covered grant programs. The Inspector
9 General shall determine the appropriate number of cov-
10 ered grantees to be audited each year.

11 (c) MANDATORY EXCLUSION.—A grantee that is
12 found to have an unresolved audit finding under an audit
13 conducted under subsection (b) may not receive grant
14 funds under a covered grant program in the fiscal year
15 following the fiscal year to which the finding relates.

16 (d) REIMBURSEMENT.—If a covered grantee is
17 awarded funds under the covered grant program from
18 which it received a grant award during the 1-fiscal-year
19 period during which the covered grantee is ineligible for
20 an allocation of grant funds under subsection (c), the At-
21 torney General shall—

22 (1) deposit into the General Fund of the Treas-
23 ury an amount that is equal to the amount of the
24 grant funds that were improperly awarded to the
25 covered grantee; and

1 (2) seek to recoup the costs of the repayment
2 to the Fund from the covered grantee that was im-
3 properly awarded the grant funds.

4 (e) PRIORITY OF GRANT AWARDS.—The Attorney
5 General, in awarding grants under a covered grant pro-
6 gram shall give priority to eligible entities that during the
7 2-year period preceding the application for a grant have
8 not been found to have an unresolved audit finding.

9 (f) NONPROFIT REQUIREMENTS.—

10 (1) PROHIBITION.—A nonprofit organization
11 that holds money in offshore accounts for the pur-
12 pose of avoiding the tax described in section 511(a)
13 of the Internal Revenue Code of 1986, shall not be
14 eligible to receive, directly or indirectly, any funds
15 from a covered grant program.

16 (2) DISCLOSURE.—Each nonprofit organization
17 that is a covered grantee shall disclose in its applica-
18 tion for such a grant, as a condition of receipt of
19 such a grant, the compensation of its officers, direc-
20 tors, and trustees. Such disclosure shall include a
21 description of the criteria relied on to determine
22 such compensation.

23 **SEC. 4. VETERANS TREATMENT COURTS.**

24 Section 2991 of the Omnibus Crime Control and Safe
25 Streets Act of 1968 (42 U.S.C. 3797aa) is amended—

1 (1) by redesignating subsection (i) as subsection
2 (j); and

3 (2) by inserting after subsection (h) the fol-
4 lowing:

5 “(i) ASSISTING VETERANS.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) PEER TO PEER SERVICES OR PRO-
8 GRAMS.—The term ‘peer to peer services or
9 programs’ means services or programs that con-
10 nect qualified veterans with other veterans for
11 the purpose of providing support and
12 mentorship to assist qualified veterans in ob-
13 taining treatment, recovery, stabilization, or re-
14 habilitation.

15 “(B) QUALIFIED VETERAN.—The term
16 ‘qualified veteran’ means a preliminarily quali-
17 fied offender who—

18 “(i) served on active duty in any
19 branch of the Armed Forces, including the
20 National Guard or Reserves; and

21 “(ii) was discharged or released from
22 such service under conditions other than
23 dishonorable.

24 “(C) VETERANS TREATMENT COURT PRO-
25 GRAM.—The term ‘veterans treatment court

1 program’ means a court program involving col-
2 laboration among criminal justice, veterans, and
3 mental health and substance abuse agencies
4 that provides qualified veterans with—

5 “(i) intensive judicial supervision and
6 case management, which may include ran-
7 dom and frequent drug testing where ap-
8 propriate;

9 “(ii) a full continuum of treatment
10 services, including mental health services,
11 substance abuse services, medical services,
12 and services to address trauma;

13 “(iii) alternatives to incarceration; or

14 “(iv) other appropriate services, in-
15 cluding housing, transportation, mentoring,
16 employment, job training, education, or as-
17 sistance in applying for and obtaining
18 available benefits.

19 “(2) VETERANS ASSISTANCE PROGRAM.—

20 “(A) IN GENERAL.—The Attorney General,
21 in consultation with the Secretary of Veterans
22 Affairs, may award grants under this sub-
23 section to applicants to establish or expand—

24 “(i) veterans treatment court pro-
25 grams;

1 “(ii) peer to peer services or programs
2 for qualified veterans;

3 “(iii) practices that identify and pro-
4 vide treatment, rehabilitation, legal, transi-
5 tional, and other appropriate services to
6 qualified veterans who have been incarcer-
7 ated; or

8 “(iv) training programs to teach
9 criminal justice, law enforcement, correc-
10 tions, mental health, and substance abuse
11 personnel how to identify and appro-
12 priately respond to incidents involving
13 qualified veterans.

14 “(B) PRIORITY.—In awarding grants
15 under this subsection, the Attorney General
16 shall give priority to applications that—

17 “(i) demonstrate collaboration be-
18 tween and joint investments by criminal
19 justice, mental health, substance abuse,
20 and veterans service agencies;

21 “(ii) promote effective strategies to
22 identify and reduce the risk of harm to
23 qualified veterans and public safety; and

1 “(iii) propose interventions with em-
2 pirical support to improve outcomes for
3 qualified veterans.”.

4 **SEC. 5. EMERGENCY FEDERAL LAW ENFORCEMENT ASSIST-**
5 **ANCE.**

6 Section 609Y(a) of the Justice Assistance Act of
7 1984 (42 U.S.C. 10513(a)) is amended by striking “Sep-
8 tember 30, 1984” and inserting “September 30, 2021”.

